

NR 411 Indirect Source Rule Revisions

Stakeholder Session Summary

Wrap Up Meeting

October 19, 2006

Attendees: Larry Bruss, Mike Friedlander, Pat Trainer, Cameron Bump, Scott Manley, Mike Halstead, Carolyn Amegashie, Stephanie Hickman, Tom Coogan, Ken Yunker, Pat Osborne, Bob and Karin Moreau, Anne Bogar

Item: Purpose of Meeting (Bruss, Bogar)
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Keypoints:

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| <ul style="list-style-type: none"> ● To collect stakeholder input on first draft NR 411 language. |
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Outcomes/Follow-up:

N/A.

Item: Proposed rule language relating to Heavy Duty Diesel control measures and facilitated discussion – (ALL)

Keypoints:

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| <ul style="list-style-type: none"> ● Clarify that to be exempt must be above <u>both</u> square footage <u>and</u> truck trip criteria ● Concern raised that proposed rule language is getting away from regulating distribution centers ● Recommend adding “average daily” to truck trip criteria for exemptions ● Evaluate if 20,000 square feet is the appropriate level for trip generation; Raise criteria if only larger facilities generate 50 truck trips ● Suggest WDNR use EPA language for re flashing requirement for MY 1993-98 engines. Would address concerns of truckers that Wisconsin rule language might be more onerous. ● Clarify that permittee does not own truck, he is not required to have trucks re flashed, only idle restrictions apply at facility |
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Outcomes/Follow-up:

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| ✓ DNR will consider above comments and will revise rule language as appropriate |
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Item: Proposed rule language relating to Transportation Demand Management control measures and facilitated discussion (Group, Bogar)
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Keypoints:

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| <ul style="list-style-type: none"> ● Clarify the enforcement measures for NR 411 violations. Consider referring to general authority for violations ● Variances section is too vague ● Clarify NR 411.07(c) section regarding submittal. ● Clarifying point – 1,000 parking space threshold triggers need for TDM plan, not 20,000 square feet and 50 truck trips criteria (these relate to heavy-duty diesel controls exemptions) ● Concern raised that permittee is proposing TDM plan – Subsections (a)(b)(c) look like requirements ● Clarify whether future 18 month requirement means if plan should be implemented in 18 months or if it goes away in 18 months ● Describe the basis for approving/disapproving TDM plans ● Concern raised that travel reductions by large employers don’t translate into significant air quality improvement or attainment of standard ● Comment made that vehicle turnover will accomplish more than 3-5% TDM VMT goals |
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- Support expressed for tying TDM plan to indirect source permit revisions
- Concern raised that Wisconsin will have competitive economic disadvantage when compared to surrounding states
- Comment made that fiscal impact for rule should include cost of TDM evaluation / plans
- Request made for more information about fiscal impact
- Need to know more about who is affected by proposed rule requirements
- Strike reference to “region”, pertains to employer
- Identify which strategies are alternative travel mode reduction and which are incentives
- Eliminate 9(c) Give facilities more flexibility to decide which travel reduction measures work
- Need to address technical assistance/education effort on TDM for employers/facilities
- Concern that to get 3-5% VMT reduction, employers will have to charge workers for parking – hidden cost.

Outcomes/Follow-up:

- ✓ DNR will consider above comments and will revise rule language as appropriate

Item: Proposed rule language relating to Facilities control measures and facilitated discussion – (Group, Bogar)

Keypoints:

- Baseline for determining incremental growth should be 2005, not 1974

Outcomes/Follow-up:

DNR will consider above comments and will revise rule language as appropriate

Item: Proposed rule language relating to Adaptive Traffic Signal requirements and facilitated discussion – (Group, Bogar)

Keypoints:

- Recommend dropping rule language on traffic signals.
- Communities are responsible for traffic signals, which might not be sponsor of roadway project
- Should not be WDNR rule

Outcomes/Follow-up:

- ✓ DNR will consider above comments and will revise rule language as appropriate

Item: Proposed rule language relating to Roadway control measures and facilitated discussion – (Group, Bogar)

Keypoints:

- Proposed rule will apply to new or expanded roadway capacity only, addresses only a small portion of highway projects

Outcomes/Follow-up:

- ✓ DNR will consider above comments and will revise rule language as appropriate

Item: Miscellaneous discussion – (Group, Bogar)

Keypoints:

- NR 411 (1)(1) describes 1 year time frame, needs to be aligned with shorter registration permit processing times
- Clarify the triggers for regulating existing sources. For example, if Miller Brewing expands 40,000 feet would they require an indirect source air permit?
- Please clarify the burden of proof for indirect source. Are exemption requests necessary?
- Need to work from direct sources regulations.
- Recommend deleting NR 411.04(3)(a)

Outcomes/Follow-up:

- ✓ WDNR will modify rule language and make revised version available to stakeholders before December
- ✓ WDNR accepting “written” comments on draft version of NR 411 until November 1, 2006